

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JACK REESE, JAMES CICHANOFSKY,  
ROGER MILLER,  
and GEORGE NOWLIN on  
behalf of themselves and  
a similarly situated class,

Hon. Patrick J. Duggan  
Case No. 04-70592

Plaintiffs,

v.

**Class Action**

CNH GLOBAL N.V., formerly  
known as Case Corporation,  
and THE COMPANY LLC,

Defendants.

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**EXHIBIT A**

**TO**

**PLAINTIFFS' MOTION TO COMPEL  
THIRD PARTY SUBPOENA RESPONSE**

# United States District Court

## Eastern District of Michigan



### *Subpoena in a Civil Case and Return of Service Form*

Plaintiff(s):

Jack Reese, et al

Defendant(s):

v. CNH Global N.V. and CNH America LLC

TO: Keeper of the Records  
 Towers Watson  
 711 South Wacker Drive, Suite 2600  
 Chicago, IL 60606

CASE NO. 04-70592

JUDGE Patrick J. Duggan

SUBPOENA FOR ATTENDANCE AT TRIAL  
 SUBPOENA FOR ATTENDANCE AT A DEPOSITION  
 DOCUMENT PRODUCTION REQUEST ONLY  
 PROPERTY INSPECTION REQUEST ONLY

**COMMAND TO APPEAR**

YOU ARE HEREBY COMMANDED to appear at the place, date and time specified below to give testimony in the above case, and, if so indicated, to bring certain documents with you.

Place:

Date:

Time:

APPEARANCE WITH DOCUMENTS (SEE DESCRIPTION BELOW)  
 APPEARANCE WITHOUT DOCUMENTS

**COMMAND FOR DOCUMENTS**

YOU ARE HEREBY COMMANDED to have the following documents, objects or things delivered to the place listed below, or allow the inspection of the below-listed property at the date and time specified.

Place: Cornfield & Feldman LLP  
 25 East Washington, Suite 1400  
 Chicago, IL 60602

Date: November 8, 2013

Time 10: AM

Description of documents/items to be produced or property to be inspected:  
 All documents listed in Attachment A attached.

This subpoena is issued by (name, address and telephone number of attorney):  
 Darcie R. Brault  
 McKnight, McClow, Canzano, Smith & Radtke, P.C.  
 400 Galleria Officentre, Suite 117  
 Southfield, MI 48034

Date of execution  
October 28, 2013

On behalf of the  
 Plaintiff  Defendant

Signature of Issuing attorney/court officer.

**ATTACHMENT A**

**To Towers Watson Subpoena**

**INSTRUCTIONS AND DEFINITIONS**

A. For purposes of interpreting or construing the scope of this requests, the terms used shall be given their most expansive and inclusive interpretation.

B. The documents shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories in the requests. See Fed. R. Civ. P. 34(b)(2)(E).

C. With respect to any document or information which you withhold, do not disclose. or exert a claim of privilege of non-disclosure, a statement shall be provided by your counsel which:

1. states the nature of the claim of non-disclosure or privilege;
2. states the names of the authors of the document;
3. states the names of the persons to whom the document was addressed and any other persons to whom the document was sent;
4. states the date of the document; or if no date appears, the dates on which it was prepared, sent, or received;
5. states the number of pages, attachments, and appendices of the document;
6. describes generally the nature, and subject matter of the document; and
7. states the name of the persons who have custody of the documents.

See Fed. R. Civ. P. 26(b)(5).

D. These requests shall be deemed to be continuing so as to require prompt, further, and supplemental response if you discover additional documents or information that should have been included in response to these requests after the time of initial response. See Fed. R. Civ. P. 26(e)(1).

E. CNH means Defendants CNH Global N.V. and CNH America LLC, its employees, officers, agents and lawyers, as well as any parent or subsidiary, including but not limited to CNH Industrial, Fiat Industrial, CNH Capital LLC and Fiat SpA.

F. Benefit Plan means any and all benefit plan sponsored in whole or in part by CNH in which any current or former CNH executive officer participates, including but not limited to, incentive pay plans, health insurance plans, health insurance plans, retirement plans, pension plans, 401(k) plans, deferred compensation plans, outsider directors compensation plans, performance and leadership bonus plans, equity incentive plans, stock option plans, non-qualified performance stock option award agreements; performance share unit award agreement restricted stock unit award agreements and equity incentive plan and pension plans, including both funded and unfunded pension plans and other plans.

#### **DOCUMENTS TO BE PRODUCED**

1. As to each Benefit Plan, and by plan, produce the following documents:
  - A. The current Plan documents, including all amendments within the last ten (10) years;
  - B. The current Summary Plan Description;
  - C. The five most recent annual valuations of the Plan;
  - D. Documents showing current Plan participants;
  - E. Documents showing participants currently receiving a Plan benefit and, if the benefit is one paying a periodic payment, the amount of that payment;
  - F. Records of contributions made to the Plan by the Plan sponsor or any other person, including but not limited to, participants.